

Claims 35 and 39 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Mays.

Claims 37-39 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Pasternack.

Claims 31-33 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Pasternack in view of Szwargulski.

All claims are restricted to a discharge valve for a CO₂ pressure vessel having a flow resistance, independent of the valve opening, provided in a flow passage through a valve opening where the flow resistance causes a pressure drop of at least 1 bar at a temperature of 20°C and a gas flow rate of 0.5g/s.

The Examiner argues that it would be obvious in view of the cited references to provide a flow resistance in a valve passage independent of the valve opening and that one skilled in the art could design such a flow resistance could be designed to provide a pressure drop of 1 bar.

The Examiner misses the point. There are literally trillions of things one skilled in art can do but there must be some motivation to pick from among the trillions of possibilities and do one. Even assuming that it would be obvious to one skilled in the art to provide an independent flow resistance in a flow passage in a CO₂ discharge valve and assuming that one skilled in the art could design such a flow resistance to cause a pressure drop of 1 bar, if there was motivation to do so, **the cited references provide no such motivation.** There is no motivation for providing an independent restrictor in a CO₂ valve. Why would one do so? There is no motivation to design such a restrictor having a pressure drop of 1 bar at a temperature of 20°C

and a gas flow rate of 0.5g/s. Agreeing that one skilled in art could do it, why would one do it? There is no motivation provided in the cited references for such an independent flow restrictor in a CO₂ discharge valve providing a 1 bar pressure drop. The claimed invention is simply not suggested by the cited art. There is no reason why one skilled in the art would create the claimed valve structure from among millions of other possible structures similarly having no provided motivation.

The only motivation comes from the Applicants' own specification based upon impermissible hindsight, i.e. to prevent discharge of liquid CO₂, e.g. when the valve is inverted. The cited references disclose nothing that could be remotely construed as structure for that purpose.

All claims should be allowed.

Respectfully submitted,



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